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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/026,198

12/21/2001

Merrill A. Biel

22,272-22

9166

32300 7590 07/16/2009

BRIGGS AND MORGAN P.A.
2200 IDS CENTER
80 SOUTH 8TH ST
MINNEAPOLIS, MN 55402

EXAMINER

SHAY, DAVID M

ART UNIT

PAPER NUMBER

3769

MAIL DATE

DELIVERY MODE

07/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: MERRILL A. BIEL

Application No. 10/026,198
Technology Center: 3700

Mailed: July 16, 2009

Before GLORIA HENDERSON, *Review Team Paralegal*
HENDERSON, *Review Team Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 7, 2009. A review of the application has revealed that the application is not ready for docketing as an appeal.

Accordingly, the application is herewith being returned to the examiner.

The matter(s) requiring attention prior to docketing are identified below.

INFORMATION DISCLOSURE STATEMENTS

Information Disclosure Statements (IDS) were filed on March 13, 2003 and June 27, 2003. It is not apparent from the record that the examiner considered the statements submitted or notified applicants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

EXAMINER'S ANSWER/EVIDENCE RELIED UPON

The following reference listed under the Evidence Relied Upon section of the Examiner's Answer filed April 1, 2009, is missing from the IFW file.

“Inactivation of Gram-Negative Bacteria by Photosensitized Porphyrins, Nitzan et al., 1992”

CONCLUSION

Accordingly, it is ORDERED that the application is being electronically returned to the Examiner:

- 1) for consideration of the Information Disclosure Statements filed March 13, 2003 and June 27, 2003;
- 2) to have the reference listed above scanned into the record; and
- 3) for such further action as may be appropriate.

Application No. 10/026,198

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GJH

BRIGGS AND MORGAN P.A.
2200 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402